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April 28, 1954

Mr. Edward B. Bowers  
Acting Assistant Director  
for Legislative Reference  
Bureau of the Budget  
Washington 25, D. C.

Dear Mr. Bowers:

This is in reply to your letter of 21 April requesting the views of this Agency on H.R. 8862, a bill "To Amend the Atomic Energy Act of 1946."

It is our opinion that the definition of "Restricted Data", as set forth in Section 11 (q), should be amended (page 7, line 8) to read: "The term 'Restricted Data' means all United States data . . ." The purpose of adding the qualifying phrase "United States" is to exclude information which is available to the United States Government from foreign sources but which is not related to United States developments. The absence of the qualifying phrase "United States" might lead "Restricted Data" to be construed as including information falling within the general definition which concerns developments in foreign countries whether such information is furnished voluntarily or is obtained through intelligence sources and methods. The absence of the qualifying phrase would be a substantial inhibition on the use of such information, which inhibition appears to have no justification from the standpoint of national defense and security. Such information can continue to be protected by appropriate security classification of the usual type.

In examining the provisions of H.R. 8862 which relate to international arrangements in the field of atomic energy, no provision appears to be included which would continue in effect those international arrangements in this field which have been made pursuant to the present provisions of the Atomic Energy Act of 1946, as amended. As it is not absolutely clear whether or not present agreements would remain in effect or have to be renegotiated upon the passage of H.R. 8862, we would strongly urge the inclusion of an appropriate saving clause for inclusion either in section 123 (page 38) or in section 144 (page 46) of

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the proposed bill. This saving clause should in effect state that, with the approval of the President and the Atomic Energy Commission, present international agreements negotiated in accordance with the provisions of the Atomic Energy Act of 1946, as amended, shall remain in full force and effect unless specifically abrogated by the parties thereto.

For clarity, you may wish to give consideration to changing the chapter heading of Chapter II to some such phrase as 'International Cooperation or International Agreements and Arrangements,' as the present phrase 'International Arrangements' is given a particular meaning in Section II (j).

It is felt that the provisions of section 144 (b) of the proposed bill would clearly apply to NATO and other treaty arrangements. This language might leave in some doubt the status of such countries as West Germany and Spain, unless the aid being granted those countries constitutes 'an international arrangement' within the meaning of the section.

Sincerely,

SIGNED

Allen W. Dulles  
Director

OGC/WLP/bl (27 April 54)

Rewritten: AWD;hea

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